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10/082,637	02/22/2002	Glen David Stone	SONY-16500	3668
28960 7590 02/20/2007 HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER MERED, HABTE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/082,637	<b>Applicant(s)</b> STONE ET AL.	
	<b>Examiner</b> Habte Mered	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8 and 10-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The amendment filed on 11/20/2006 has been entered and fully considered.
2. Claims 1, 3-8, 10-39 are pending in the instant Application. Claims 2 and 9 have been previously cancelled. Claims 1, 8, 19, and 29 are the independent base claims.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Romans et al (US 6, 587, 453), hereinafter referred to as Romans.

*Romans teaches a method of wirelessly transmitting isochronous and asynchronous data using contention free periods and contention periods.*

3. Regarding **claim 1**, Romans discloses a method of transmitting data within a network (**See Figure 2**) including one or more of a first type of device (**A Voice and Data Node on Figure 2**) operating according to a first protocol (**Isochronous traffic via TDMA protocol – see Column 2:27-29**) and a second protocol (**Asynchronous traffic via CSMA/CA protocol – see Column 2:30-36**) and one or more of a second type of device (**Figure 2, Voice Terminals**) operating according to only the second protocol (**Isochronous traffic via TDMA protocol – see Column 2:27-29**) where

Art Unit: 2616

devices of the first type and devices of the second type communicate with each other

**(All nodes in Figures 2 and 3 communicate with each other as illustrated in**

**Columns 2:37-45) comprising:** a. establishing a periodic cycle including a first portion

**and a second portion (See Figure 4 – Contention Period and Contention Free**

**Period - Column 2:56-65) ; b. allowing only transmissions according to the first protocol**

**during the first portion (Isochronous traffic via TDMA protocol during Contention**

**Free Period - See Column 2:56-65); and c. allowing only transmissions according to**

**the second protocol during the second portion(Asynchronous traffic via CSMA/CA**

**protocol- See Column 2:56-65 ), wherein the first protocol has priority over the second**

**protocol. (See Column 2:13-15, In the Contention Free Period Isochronous data**

**has priority over Asynchronous data in that the transmission of Asynchronous**

**data starts only after the complete transmission of Isochronous data. Further**

**given a super frame that repeats periodically as shown on Column 3:30-31 the**

**duration of the Contention Free Period where isochronous data is transmitted**

**determines the length of the Contention Period where Asynchronous data is**

**transmitted and effectively shows the priority given to Isochronous data)**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3-5, and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al (US 6, 141, 355), hereinafter referred to as Palmer in view of Gulick (US 6, 651, 128).

*Palmer discloses a system for providing efficient transmission of real time data and non-real time data between a plurality of network devices including an arbitration mechanism that provides a low cost and high performance mechanism of delivery of quality of service guarantees for time sensitive data sharing a local area with no-time-sensitive data.*

3. Regarding **claim 1**, Palmer discloses a method of transmitting data within a network including one or more of a first type of device (**Figure 2, DA 2 (Device Adapter 2)**) operating according to a first protocol (**Real-Time isochronous protocol because it supports element 200 RTD (Real Time Device). See also Column 1:20-32**) and a second protocol (**Non-Real Time Ethernet protocol because it supports element 100 NRTD (Non-Real Time Device)**) and one or more of a second type of device (**Figure 2, DA 3 (Device Adapter 3)**) operating according to only the second protocol (**Non-Real Time Ethernet protocol because it supports element 100 NRTD (Non-Real Time Device)**) where devices of the first type and devices of the second type communicate with each other (**All DAs in Figures 2 and 6 communicate with each other as illustrated in Columns 7:10-25 and 9:20-32 and in Figure 5B**) comprising:

- a. establishing a periodic cycle including a first portion and a second portion (**See Column 4:55-67 and Column 7:10-25**) ;
- b. allowing only transmissions according to the first protocol during the first portion (**See Column 4:55-67**); and
- c. allowing only

Art Unit: 2616

transmissions according to the second protocol during the second portion(**See Column 4:55-67**)

Palmer fails to disclose the first protocol has priority over the second protocol.

*Gulick discloses a method of arbitrating between asynchronous and isochronous data for access to data transport resources.*

Gulick teaches the first protocol has priority over the second protocol. (**See Column 6:16-26 and 55-67**)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Palmer's method to incorporate a method where the first protocol has priority over the second protocol. The motivation as stated by Gulick in Column 1:52-55 is that to have a system for arbitrating between asynchronous and isochronous data for access to transmission resources which maximizes a transfer rate of asynchronous data while maintaining a state of isochrony.

4. Regarding **claim 3**, Palmer discloses a method further comprising converting the transmission into a format understood by a receiving device. (**All the Device Adapters convert the isochronous and asynchronous input to Ethernet packets as shown in Figure 3**)

5. Regarding **claim 4**, Palmer discloses a method wherein duration of the first portion is dependent on a number of active streams of the first protocol within the network. (**See Column 5:7-18 Palmer shows that the length of time allotted for the first protocol, i.e. isochronous, is dependent on the number of active streams which in turn depend on the isochronous channels established.**)

6. Regarding **claim 5**, Palmer discloses a method further comprising establishing an active stream of the first protocol (**i.e. isochronous**) within the network and guaranteeing first protocol bandwidth to the active stream. **(See Column 4:55-67; Column 5: 7-18; and Column 7:10-25))**

7. Regarding **claim 7**, Palmer discloses a method wherein the first protocol is isochronous (**isochronous/real-time/TDM see Column 1:23-32**) capable and the second protocol is asynchronous (**ETHERNET or CSMA/CD protocol which is asynchronous See Column 9:1-8**).

8. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Gulick as applied to claim 1, and further in view of Lo et al (US 6, 324, 178), hereinafter referred to as Lo.

The combination of Palmer and Gulick discloses all aspects of the claimed invention as set forth in the rejection of claim 1 including a second type of device operating according to Ethernet protocol **(See Palmer Figure 2 DA 3)** but fails to teach a method wherein the first type of device operates according to IEEE 1394 protocol.

*Lo teaches a method of efficient data transfers between domains of differing data formats.*

Lo discloses a method wherein the first type of device operates according to IEEE 1394 protocol. **(Lo clearly shows the bridge circuit connecting device based on IEEE 1394 to a device based on Ethernet protocol in Figure 4. See also Column 7, Lines 40-53)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Palmer's and Gulick's method to incorporate a first type of device that operates according to IEEE 1394 protocol. The motivation being IEEE 1394 protocol provides ability to support both isochronous data such as video and voice as well as asynchronous data making it easy to allow networking of different voice, video, audio, and data devices in home and small office networks. Lo further shows in Column 1, Lines 16-25 that in networked communication system the popular domains to be bridged are based on Ethernet and IEEE 1394 protocols.

9. **Claims 8 and 10-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks et al (US 6, 747, 979), hereinafter referred to as Banks, in view of Palmer et al (US 6, 141, 355), hereinafter referred to as Palmer, and Hewitt (US 6, 032, 211).

*Banks discloses a network layer bridge.*

10. Regarding **claim 8**, Banks discloses a modified hub device configured for coupling between two or more devices operating according to two or more different protocols (**See Column 10, Lines 35-45 – the network layer bridge is effectively a hub connecting devices in a LAN setting and the two different protocols are 802.3 LAN and IEEE 1394 LAN**), the hub device (**Figure 5A, element 51**) wherein devices of the first type and devices of the second type communicate with each other (**See Column 13:40-67 and See Column 1, Lines 20-25 and Figure 5B**) comprising: a. a first interface configured for coupling to and communicating with one or more of a first type of device operating according to a first protocol and a second protocol (**Figure 5A,**

Art Unit: 2616

**element 53 is an IEEE 1394 LAN as illustrated in Column 10, Line 44. As defined by the Standards Bodies and also confirmed by the Applicant – IEEE 1394 supports asynchronous and isochronous traffic. Clearly the Applicant is referring to the support for two different traffic types as constituting two different protocols); b. a second interface configured for coupling to and communicating with one or more of a second type of device operating according to only the second protocol (Figure 5A, element 52 is 802.3 LAN as illustrated in Column 10, Line 43).**

Banks discloses bridges communicating with a router, which is a layer 3 switch, via a LAN segment as shown in Figure 6. Banks, however, fails to expressly disclose a bridge (i.e. hub) that is directly connected to and communicating with a switch device that sends periodic signal, which starts the start of a period having a first portion and second portion.

Palmer discloses a bridge **(In Figure 2, all Device Adapters act as a bridge)** with an interface configured for coupling to and communicating with the switching device **(Figure 2, element 4, x-hub switch, and Figure 4a)** that sends periodic signal, which starts the start of a period having a first portion and second portion **(Palmer shows a period having a first and second portion in Column 4:55-67 and to establish these cyclic periods Palmer shows use of signaling protocol between the hubs (i.e. DAs) and the switch (i.e. X-hub) in Column 7:5-10 and further given the signaling protocol it is inherent for the switch (i.e. X-hub) to send signals to the DAs to indicate the start of a phase or period.)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bank's' bridge to incorporate an interface configured for coupling to and communicating with the switching device. The motivation being the use of an Ethernet switch allows a particular LAN to connect and communicate with more than one different LAN as illustrated in Palmer's Column 3:57-67 and Column 4:19-32.

Banks fails to disclose a transmission scheme where periodic signals are sent to signal the start of a period having a first portion and a second portion, wherein only communications in the first protocol are allowed during the first portion and only communications in the second protocol are allowed during the second portion.

*Hewitt teaches a method of prioritizing asynchronous and isochronous transfer over a bus connecting a first device and a second device.*

Hewitt discloses a transmission scheme where periodic signals are sent to signal the start of a period having a first portion and a second portion, wherein only communications in the first protocol are allowed during the first portion and only communications in the second protocol are allowed during the second portion. **(Hewitt shows in Figure 4 a first portion of transmission where only Asynchronous traffic is handled and a second portion of transmission where only isochronous traffic is transmitted. See also Column 5, Lines 3-35. Hewitt further shows the various transmission cycles in Table 1 and the periodic signals sent to start the different cycles are shown in Table 2.)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bank's' bridge to incorporate a transmission scheme to

Art Unit: 2616

handle asynchronous and isochronous traffic. The motivation being given that asynchronous and isochronous traffics are the main type of traffics handled in home and small office networks and having such a transmission scheme allows different devices to communicate in these types of networks efficiently with high QoS as can easily be inferred from Hewitt Column 1:33-50 and from Gulick (US 6, 651, 128) Column 1:24-50.

11. Regarding **claim 10**, Banks fails to disclose a modified hub device further comprising a conversion circuit coupled to the first interface, the second interface and the third interface for converting transmissions into a format understood by a receiving device.

Palmer discloses a modified hub device further comprising a conversion circuit coupled to the first interface (**Figure 3, element 1004**), the second interface (**Figure 3, element 1006**) and the third interface (**Figure 3, element 1008**) for converting transmissions into a format understood by a receiving device. (**See Column 10:1-10**)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bank's apparatus to incorporate a conversion circuit to format packets in a manner understood by receiving device. The motivation being such an arrangement allows communication between different devices having different protocols.

12. Regarding **claim 11**, Banks fails to disclose a modified hub device wherein duration of the first portion is dependent on a number of active streams of the first protocol.

Hewitt discloses a modified hub device wherein duration of the first portion is dependent on a number of active streams of the first protocol. **(See Figure 4 and Column 5, Lines 3-35. Basically the first portion is Asynchronous traffic transmission and second portion is Isochronous traffic transmission.)**

13. Regarding **claim 12**, Banks discloses a modified hub device wherein the modified hub device communicates with the switching device **(i.e. layer 3 router – see Figure 6 and also Column 14, Lines 24-35)**

Banks fails to disclose a transmission scheme that establishes an active stream involving a device of the first type coupled to the hub device and further wherein appropriate bandwidth for the active stream is guaranteed when the active stream is established.

Hewitt discloses a transmission scheme that establishes an active stream involving a device of the first type coupled to the hub device and further wherein appropriate bandwidth for the active stream is guaranteed when the active stream is established. **(See Figure 4, step 407 and Column 5, Lines 3-35. Hewitt shows Isochronous streams are created when the bandwidth can be guaranteed.)**

14. Regarding **claim 13**, Banks discloses a modified hub device wherein the modified hub device communicates with the switching device **(i.e. layer 3 router – see Figure 6 and also Column 14, Lines 24-35)**

Banks fails to disclose a transmission scheme to establish an active stream involving a device of the first type coupled to the hub device and to assign a label corresponding to the active stream.

Hewitt discloses a transmission scheme that establishes an active stream involving a device of the first type coupled to the hub device and further wherein appropriate bandwidth for the active stream is guaranteed when the active stream is established. **(See Figure 4, step 407 and Column 5, Lines 3-35. Hewitt shows Isochronous streams are created when the bandwidth can be guaranteed. It is inherent for the system to mark the newly created streams with some form of identification or label)**

15. With respect to **claims 11-13**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bank's' bridge to incorporate a transmission scheme to handle asynchronous and isochronous traffic. The motivation being to provide voice and video services with high QoS one needs to handle asynchronous and isochronous transmission properly and minimize delay in isochronous transmission.

16. Regarding **claim 14**, Banks discloses a modified hub device wherein the first type of device operates according to IEEE 1394 protocol and the second type of device operates according to Ethernet protocol. **(Figure 5A, element 53 is an IEEE 1394 LAN as illustrated in Column 10, Line 44. Figure 5A, element 52 is 802.3 LAN as illustrated in Column 10, Line 43).**

17. Regarding **claim 15**, Banks discloses a modified hub device wherein the first protocol is isochronous and the second protocol is asynchronous. **(Since Banks device supports IEEE 1394 protocol support for Asynchronous and Isochronous traffic based on IEEE standards is inherent.)**

Art Unit: 2616

18. Regarding **claim 16**, Banks fails to disclose a modified hub device wherein communications from the first type of device in the second protocol are prioritized during the second portion over communications from the second type of device in the second protocol.

Hewitt discloses a transmission scheme involving communications from the first type of device in the second protocol are prioritized during the second portion over communications from the second type of device in the second protocol. **(The second protocol is IEEE 1394 and the devices operating under this protocol support different traffic types and definitely prioritization meeting this limitation is shown in Figure 4 in steps 407 and 411. See also Column 5, Lines 3-35)**

19. Regarding **claim 17**, Banks fails to disclose a modified hub device wherein communications from the second type of device in the second protocol are prioritized during the second portion over communications from the first type of device in the second protocol.

Hewitt discloses a transmission scheme involving communications from the second type of device in the second protocol are prioritized during the second portion over communications from the first type of device in the second protocol. **(The second protocol is IEEE 1394 and the devices operating under this protocol support different traffic types and definitely prioritization meeting this limitation is shown in Figure 4 in steps 407 and 411. See also Column 5, Lines 3-35)**

20. With respect to **claims 16 and 17**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bank's' bridge to

Art Unit: 2616

incorporate a transmission scheme to handle asynchronous and isochronous traffic in terms of defining priority of transmission. The motivation for prioritization being isochronous traffic must be guaranteed a specific amount of bandwidth and worst case latency as illustrated by Hewitt further in Column 5, Lines 35-46.

21. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Banks in view of Palmer and Hewitt as applied to claim 8 above, and further in view of Thaler et al (US 6, 772, 267), hereinafter referred to as Thaler.

The combination of Banks, Palmer, and Hewitt teaches all aspects of the claimed invention as set forth in the rejection of claim 8 but does not disclose a modified hub device wherein the switching device is configured for coupling to a remote network of devices thereby providing a wide area network.

Thaler discloses a modified hub (**Figure 1, elements 100, and 112**) device wherein the switching device is configured for coupling to a remote network of devices thereby providing a wide area network (**Figure 1, element 108**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bank's' bridge to incorporate an interface configured for coupling to and communicating with a switching device configured for coupling to a remote network of devices. The motivation for coupling to remote network devices is to access the Internet and have the ultimate networking capability.

23. **Claims 19-25 and 29-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al (US 6, 141, 355), hereinafter referred to as Palmer, in

Art Unit: 2616

view of Banks et al (US 6, 747, 979), hereinafter referred to as Banks and Gulick (US 6, 651, 128).

24. Regarding **claims 19 and 29**, Palmer discloses a switching device (**See Figure 2, element 4, Figure 4A, and Figure 5A, and Figure 6, element 6**) configured for coupling to two or more hub devices (**All the DAs in Figures 2 and 6 are hubs**). Palmer further discloses the switching device comprising: a plurality of ports (**Figure 4A shows 8 inputs and corresponding Figure 4B shows 8 DAs (i.e. hubs) and Column 11: 43-50 illustrates that each port is coupled to a corresponding DA or Hub**), each port coupled to a corresponding hub device for interfacing with devices coupled to the corresponding hub device; and b. a control circuit coupled to the plurality of ports (**See Figures 4A, elements 45**). Palmer also discloses a transmission scheme where periodic signals are sent to signal the start of a period having a first portion and a second portion, wherein only communications in the first protocol are allowed during the first portion and only communications in the second protocol are allowed during the second portion. (**Palmer shows a period having a first and second portion in Column 4:55-67 and to establish these cyclic periods Palmer shows use of signaling protocol between the hubs (i.e. DAs) and the switch (i.e. X-hub) in Column 7:5-10 and further given the signaling protocol it is inherent for the switch (i.e. X-hub) to send signals to the DAs to indicate the start of a phase or period.**)

Art Unit: 2616

Palmer fails to disclose hub devices providing interfaces to one or more of a first type of device operating according to a first protocol and a second protocol and one or more of a second type of device operating according to only the second protocol.

Banks discloses hub devices (**Figure 5A, element 51**) providing interfaces to one or more of a first type of device operating according to a first protocol (**Figure 5A, element 53 is an IEEE 1394 LAN as illustrated in Column 10, Line 44. As defined by the Standards Bodies and also confirmed by the Applicant – IEEE 1394 supports asynchronous and isochronous traffic. Clearly the Applicant is referring to the support for two different traffic types as constituting two different protocols**); and a second protocol and one or more of a second type of device operating according to only the second protocol (**Figure 5A, element 52 is 802.3 LAN as illustrated in Column 10, Line 43. See Column 10, Lines 35-45 – the network layer bridge is effectively a hub connecting devices in a LAN setting**)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Palmer's switching device by incorporating Bank's' bridge/hub device. The motivation being Bank's network layer bridge that acts as a hub for interconnecting 1394 LAN to Ethernet LAN facilitates multimedia data exchange in different formats.

Palmer fails to disclose the first protocol has priority over the second protocol.

*Gulick discloses a method of arbitrating between asynchronous and isochronous data for access to data transport resources.*

Gulick teaches the first protocol has priority over the second protocol. **(See Column 6:16-26 and 55-67)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Palmer's method to incorporate a method where the first protocol has priority over the second protocol. The motivation as stated by Gulick in Column 1:52-55 is that to have a system for arbitrating between asynchronous and isochronous data for access to transmission resources which maximizes a transfer rate of asynchronous data while maintaining a state of isochrony.

25. Regarding **claims 20 and 30**, Palmer discloses a switching device with hubs and end devices. Palmer, however, fails to disclose wherein devices of the first type and devices of the second type communicate with each other.

Banks discloses devices of the first type and devices of the second type communicate with each other. **(Banks discloses a modified hub device (Figure 5A, element 51) wherein devices of the first type (Figure 5A, element 53 is an IEEE 1394 LAN as illustrated in Column 10, Line 444) and devices of the second type (Figure 5A, element 52 is 802.3 LAN as illustrated in Column 10, Line 43) communicate with each other (See Column 1, Lines 20-25 and Figure 5B).)**

26. Regarding **claims 24 and 35**, Palmer discloses a switching device with hubs and end devices. Palmer, however, fails to disclose wherein the first type of device operates according to IEEE 1394 protocol and the second type of device operates according to Ethernet protocol.

Art Unit: 2616

Banks discloses the first type of device operates according to IEEE 1394 protocol and the second type of device operates according to Ethernet protocol. **(Figure 5A, element 53 is an IEEE 1394 LAN as illustrated in Column 10, Line 44. Figure 5A, element 52 is 802.3 LAN as illustrated in Column 10, Line 43).**

27. Regarding **claims 25 and 36**, Palmer discloses a switching device with hubs and end devices. Palmer, however, fails to disclose wherein the first protocol is isochronous capable and the second protocol is asynchronous.

Banks discloses the first protocol is isochronous capable and the second protocol is asynchronous. **(Since Banks device supports IEEE 1394 protocol support for Asynchronous and Isochronous traffic based on IEEE standards is inherent.)**

28. With respect to **claims 20, 24, 25, 30, 35 and 36**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Palmer's switching device by modifying the DAs (i.e. hubs) and incorporating Bank's' bridge with a capability to bridge 1394 LAN to Ethernet LAN. The motivation being using Bank's network layer bridge as a hub for interconnecting 1394 LAN to Ethernet LAN tremendously facilitates multimedia data exchange and communication.

29. Regarding **claim 31**, Palmer discloses a modified hub device further comprising a conversion circuit coupled to the first interface **(Figure 3, element 1004)**, the second interface **(Figure 3, element 1006)** and the third interface **(Figure 3, element 1008)** for converting transmissions into a format understood by a receiving device. **(See Column 10:1-10)**

Art Unit: 2616

30. Regarding **claims 21 and 32**, Palmer discloses a switching device, wherein duration of the first portion is dependent on a number of active streams of the first protocol. **(See Column 5:7-18 Palmer shows that the length of time allotted for the first protocol, i.e. isochronous, is dependent on the number of active streams which in turn depend on the isochronous channels established.)**

31. Regarding **claims 22 and 33**, Palmer discloses a switching device that communicates with the hub devices. **(See Column 4, Lines 54-67)** Palmer discloses a transmission scheme that establishes an active stream involving a device of the first type coupled to the hub device and further wherein appropriate bandwidth for the active stream is guaranteed when the active stream is established. **(See Column 4:55-67; Column 5: 7-18; and Column 7:10-25))**

32. Regarding **claims 23 and 34**, Palmer discloses a switching device that communicates with the hub devices. **(See Column 4, Lines 54-67).** Palmer discloses a transmission scheme that establishes an active stream involving a device of the first type coupled to the hub device and to assign a label corresponding to the active stream. **(See Column 4:55-67; Column 5: 7-18; and Column 7:10-25. Isochronous streams are created when the bandwidth can be guaranteed. It is inherent for the system to mark the newly created streams with some form of identification or label)**

33. **Claim 26, 27, 37, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Banks as applied to claims 19 and 29 above, and further in view of Hewitt (US 6, 032, 211).

Art Unit: 2616

34. Regarding **claims 26 and 37**, the combination of Palmer and Banks discloses a switching device. The combination of Palmer and Banks fails to disclose wherein communications from the first type of device in the second protocol are prioritized during the second portion over communications from the second type of device in the second protocol.

Hewitt discloses a transmission scheme involving communications from the first type of device in the second protocol are prioritized during the second portion over communications from the second type of device in the second protocol. **(The second protocol is IEEE 1394 and the devices operating under this protocol support different traffic types and definitely prioritization meeting this limitation is shown in Figure 4 in steps 407 and 411. See also Column 5, Lines 3-35)**

35. Regarding **claims 27 and 38**, the combination of Palmer and Banks fails to disclose a switching device wherein communications from the second type of device in the second protocol are prioritized during the second portion over communications from the first type of device in the second protocol.

Hewitt discloses a transmission scheme involving communications from the second type of device in the second protocol are prioritized during the second portion over communications from the first type of device in the second protocol. **(The second protocol is IEEE 1394 and the devices operating under this protocol support different traffic types and definitely prioritization meeting this limitation is shown in Figure 4 in steps 407 and 411. See also Column 5, Lines 3-35)**

Art Unit: 2616

36. With respect to **claims 26, 27, 37 and 38**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Palmer's and Banks switching device to incorporate a transmission scheme to handle asynchronous and isochronous traffic in terms of defining priority of transmission. The motivation being such a prioritization scheme ensures voice and video services are delivered with high QoS by minimizing delay in isochronous transmission.

37. **Claims 28 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Banks as applied to claims 19 and 29 respectively above, and further in view of Thaler et al (US 6, 772, 267), hereinafter referred to as Thaler.

The combination of Banks and Palmer teaches all aspects of the claimed invention as set forth in the rejection of claims 19 and 29 but does not disclose a modified hub device wherein the switching device is configured for coupling to a remote network of devices thereby providing a wide area network.

Thaler discloses a modified hub (**Figure 1, elements 100, and 112**) device wherein the switching device is configured for coupling to a remote network of devices thereby providing a wide area network (**Figure 1, element 108**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bank's' bridge to incorporate an interface configured for coupling to and communicating with a switching device configured for coupling to a remote network of devices. The motivation for coupling to remote network devices is to access the Internet and have the ultimate networking capability.

***Response to Arguments***

38. Applicant's arguments with respect to independent claims 1, 19, and 29 and all dependent claims that depend on these claims have been considered but are moot in view of the new ground(s) of rejection necessitated by the newly added limitation to these claims and is based on US Patent 6, 651, 128 B1 to Gulick.

39. In the Remarks, on pages 10 and 11, with respect to claim 8, Applicant argues that there is no motivation to combine Banks, Palmer, and Hewitt and is based upon improper hindsight reasoning. Examiner respectfully disagrees.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Art Unit: 2616

*Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner points out to the Applicant that the sources of all motivations are cited in the 103 rejection of claim 8 and the citations are from the prior arts used in these rejections including Palmer and Hewitt.

40. In the Remarks, on pages 10 and 11, with respect to claim 8, Applicant argues Hewitt teaches a transmission scheme to handle asynchronous and isochronous traffic in a personal computer and never discusses any thing related to networking. Examiner respectfully disagrees.

It is clearly established that Hewitt teaches a transmission scheme to handle asynchronous and isochronous traffic in a personal computer and the Applicant does not contest this fact. However, Hewitt clearly shows that the personal computer exchanges or receives and transmits asynchronous and isochronous traffic in a network environment as can clearly be deduced from the description in Column 3:28-36 and hence Hewitt's teaching is applicable to a network that interfaces with a PC.

41. In the Remarks, on page 12, with respect to claim 8, Applicant argues that neither Banks, Palmer, Hewitt nor their combination teach the claimed third interface to the switching device. Examiner respectfully disagrees.

The rejection of claim 8 clearly teaches that Palmer in Figures 2 and 6 teaches a hub or bridge in the form of a Device Adapter with a third interface (Network Connection Point 2 of Figures 2 and 6) going to a switch (Element 4 of Figures 2 and 6). Applicant has not provided any explanation or citation to indicate how Palmer fails to teach a hub/bridge with a third interface to a switch.

Art Unit: 2616

42. In Conclusion Examiner wants to bring to the attention of the Applicant the following points when and if the Applicant decides to amend the independent base claims.

a) US Patent 5,450, 411 to Heil teaches a switch connected to a network bridge/adaptor/hub wherein the network bridge/adaptor/hub is connected to devices that can have isochronous and non-isochronous processors. The devices can have both type of processors or one type of processors. This reference is very applicable to claim 8 and also applicable to all base independent claims.

b) US Patent 6, 697, 372 to McAlear clearly teaches a network containing a switch connected to a LAN or Ethernet hub where the hub connects USB devices with Asynchronous and Isochronous traffic. It is possible that a specific USB device can generate Asynchronous or Isochronous traffic only or both. This prior art is also applicable to all the independent claims. From the Examiner point of view it is clear that any reference that has Ethernet and USB devices talking to each other via a hub and a switch meets the limitations of all the base claims. Even merely indicating IEEE 1394 protocol is addressed by the cited prior art Banks. What is unique in this Application is the introduction of the IEEE 1394-2000 protocol as opposed to IEEE 1394-1995 protocol.

### ***Conclusion***

43. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2616

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following US Patent is cited to show the state of the art with IEEE 1394/Ethernet Protocol conversion:

US Patent (6, 813, 651) to Smith et al

The following US Patents are cited to show the state of the art with respect to ISOCHRONOUS/ASYNCHRONOUS transmission schemes:

US Patent (6, 339, 584) to Gross et al

US Patent (6, 381, 647) to Darnell et al

US Patent (6, 011, 784) to Brown et al

The following US Patent is cited to show the state of the art with Ethernet Switching technology:

US Patent (6, 577, 631) to Keenan et al


Art Unit: 2616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER 2/16/07